

## **TransLink<sup>®</sup> Management Group**

### **Minutes of Meeting on 9/28/09 at MTC**

Attendees: Kathleen Kelly for Rick Fernandez, AC Transit; Dorothy Dugger, BART; Celia Kupersmith, Golden Gate Bridge Highway and Transportation District (GGBHTD); Andrew Fremier for Steve Heminger, MTC; Mike Scanlon, SamTrans; Nathaniel Ford, San Francisco Municipal Transportation Agency (SFMTA); Michael Burns, Santa Clara Valley Transportation Authority (VTA); and Steve Ponte for Jeanne Krieg, Tri Delta Transit. Also in attendance were Melanie Morgan, MTC Deputy General Counsel, for Robin Reitzes; and Janet Gallegos, Booz Allen Hamilton.

1. Roll Call

The meeting started at 2:10 PM. Roll was called. A quorum was confirmed.

2. Chairperson's Report

Nathaniel Ford of SFMTA reported on the availability of TransLink<sup>®</sup> on Caltrain beginning August 17. Mr. Ford also announced that there would be an election for Chair and Vice Chair later in the meeting.

3. Election of Chair and Vice Chair

Nathaniel Ford of SFMTA moved to elect Celia Kupersmith of GGBHTD as Chair of the TMG. Michael Burns of VTA seconded the motion. The motion was approved unanimously, 8 – 0. Kathleen Kelley of AC Transit moved to elect Dorothy Dugger of BART as Vice-Chair of the TMG. Mike Scanlon of SamTrans seconded the motion. The motion was approved unanimously, 8 – 0. Mr. Ford extended his thanks for everyone's support during his term as Chair. Ms. Kupersmith thanked Mr. Ford for his service and said she would report back on her selection of the agency staff chairs for the DRAIC and Finance Committee.

4. Minutes of TMG meeting of 8/3/2009

The minutes were approved unanimously, 8 – 0.

5. Proposed Governance Structure for TMG

Janet Gallegos, TMG Consortium Assistance Project Manager, distributed a handout detailing the background regarding the Strategic Business Planning Committee's (SBPC) recommendation for a new governance model. The SBPC's recommendation was that the TMG authorize moving towards a Joint Powers Authority (JPA) model with hired staff. Some of the reasons the JPA model received the highest scores included: authority to make and enter into contracts; no competing priorities preventing making TransLink<sup>®</sup> the best it could be; the perception of objectivity; and offering some limited protection from risk and liability. Hired staff to fill JPA positions ranked the highest for reasons including: higher perception of objectivity; transparency and control of costs; more

accessible; and less vulnerable to risk and liability. Ms. Gallegos said there was much more work to be done, including developing a funding plan and selecting a transition committee.

Mr. Burns asked if a JPA could bind transit agencies to budgetary decisions. Melanie Morgan of MTC confirmed that it could not. Mr. Burns, Mr. Scanlon and Ms. Dugger each requested additional information before proceeding with selection of a new governance model, including: the development of a funding plan; whether MTC would be part of the JPA; how this would affect risk and liability; a description of how MTC would deal with the operators under the MTC Management option, and the development of a process for dispute resolution. Mr. Scanlon noted that the commitment to a JPA with hired staff is difficult to undo, and he would like to understand more about why the JPA with hired staff was preferred by the SBPC over outsourcing. Mr. Burns, Ms. Dugger and Ms. Kelly commented that a July 1 transition to another governance model seemed premature, considering that the contract had just been assigned to a new contractor and that TransLink<sup>®</sup> has not achieved hard launch status for BART and SFMTA, the two largest operators. Ms. Dugger noted that BART has been asked from time to time whether it would be interested in acting as managing agency, and it does not have enough information to respond. Mr. Ford asked whether all the all SBPC members had briefed their respective TMG members, and Ms. Kupersmith urged the members of the TMG to go back to their respective SBPC representatives to talk about the thought process that went into the recommendation of a JPA with hired staff. Ms. Kupersmith summarized her sense of the members as viewing the JPA issue as being premature and encouraged the members of the TMG to talk to Steve Heminger about the issue before the next TMG meeting. Referring to the report that MTC was considering withdrawing from the Consortium by the November 1 deadline in the Interagency Participation Agreement (IPA), Mr. Scanlon asked if the deadline could be waived or postponed by the group. Ms. Morgan responded that the IPA could not be amended by then, but that she would refer to Robin Reitzes, the Consortium legal counsel, the question of how to waive the deadline, possibly through a tolling agreement. Ms. Kupersmith asked the consultant to send out the minutes from the all-day governance retreat to refresh the memories of the TMG members on the history leading to the SBPC's recommendation and recommended an earlier start to the next meeting of the TMG to allow for a more in depth discussion about the issues around governance of the program.

6a. TransLink<sup>®</sup> Program Management Status

Scott Rodda of MTC distributed a project status report detailing TransLink<sup>®</sup> activities and progress and highlighted key points, including: average weekday ridership of over 39,000, with BART usage up to 2,600; the five Revenue Ready transit agencies appeared before MTC's Operations Committee to present their fare media transition plans; installation of SamTrans onboard equipment is scheduled to begin in late September; VTA installations will begin in October now that prototyping is complete; and the float account is now over \$2 million. Ms. Dugger asked how many 3<sup>rd</sup> party retailers currently vend TransLink<sup>®</sup> products. Jacob Avidon, MTC staff, replied there are 227 locations, and that the Contract calls for 400.

6b. TransLink® Contractor Report

Dave Lapczynski of Cubic distributed a handout that addressed items from the previous TMG meeting in August, including: BART cycle test results; development of a White Paper on Limited Use smart cards; GGBHTD TOT issue; and development of new escalation paths for addressing issues.

7. Overview and Plans for Introduction of Limited Use TransLink® Tickets

Larry Kozimor of BART introduced Mr. Avidon, who gave an overview and elaborated on plans for introduction of limited use TransLink® tickets. He projected that there would probably be an approval item for the October TMG meeting regarding the terms of use of the ticket that would also require a change to the Operating Rules, and that staff was not yet ready to make a recommendation. There was general discussion about: how much to charge for the ticket; whether or not to make the limited use tickets agency specific with transfer options; having an expiry period built into each ticket; and possibly making the tickets reloadable.

8. Public Comment/New Business

There was no public comment or new business.

9. Adjournment/Next Meeting

The meeting was adjourned at 4:05 PM. The next meeting date of the TMG is October 26<sup>th</sup> at MTC in Oakland.